

Judge Pechman

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in The U.S.
DISTRICT COURT at Seattle, Washington.

September 22, 2005
BRUCE RIFKIN, Clerk
By Deputy Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIRZA M. AKRAM,

Defendant.

NO. CR04-0399P

SUPERSEDING INDICTMENT



04-CR-00399-INDI

THE GRAND JURY CHARGES THAT:

COUNT 1
(Conspiracy to Commit Food Stamp Fraud)

Beginning in or about November 2002 and continuing until in or about July 2004, at Everett, in the Western District of Washington, MIRZA M. AKRAM, A.A., I. al-B., W. al-K., M. al-M, Z.O., A.S., and others known and unknown to the grand jury did knowingly and willfully combine, conspire, and agree to commit an offense against the United States, to wit: food stamp fraud, in violation of Title 7, United States Code, Section 2024.

Manner and Means of the Conspiracy

Under the federal food stamp program, states issue food stamps to recipients. Those food stamps then may be used by the recipients to purchase "eligible food." See 7 C.F.R. § 274.10(d). They may not be used to purchase other items or redeemed for cash. Food stamp recipients typically receive their benefits in the form of a credit on an

1 | electronic benefit transfer (EBT) card. Food stamp recipients may then use their card at
2 | EBT machines, which are located, among other places, in participating grocery stores, to
3 | pay for food that they purchase with food stamps. When food stamp recipients purchase
4 | food, the food stamp program electronically credits the account of the participating
5 | grocery store for the amount of food stamps used by the food stamp recipient.

6 | It was a part of the conspiracy that AKRAM operated a grocery store, Continental
7 | Spices, in Everett, Washington, and that that store participated in the food stamp program
8 | and had an EBT machine. It was a part of the conspiracy that AKRAM permitted food
9 | stamp recipients to use their food stamp benefits to purchase items other than food, in
10 | violation of federal law. It also was a part of the conspiracy that AKRAM provided cash
11 | to food stamp recipients in return for food stamps, again, in violation of federal law. In
12 | both cases, food stamp recipients paid AKRAM with food stamps by using the EBT
13 | machine at Contental Spices to debit their food stamp accounts. It was a part of the
14 | conspiracy that AKRAM provided less cash or ineligible merchandise to food stamp
15 | recipients than the value of the food stamps that the recipients redeemed at AKRAM's
16 | store, and, thereby, retained a portion of the value of the illegally-redeemed food stamps

17 | *Overt Acts*

18 | In furtherance of this conspiracy, and to accomplish one or more of the objects of
19 | the conspiracy, AKRAM and his co-conspirators committed or caused to be committed
20 | one or more of the following overt acts:

21 | 1. On or about April 9, 2003, W. al-K. redeemed \$120 in food stamps at
22 | Continental Spices.

23 | 2. On or about April 9, 2003, AKRAM paid W. al-K. \$100 in cash in return
24 | for W. al-K's food stamps.

25 | 3. On or about December 31, 2003, M. al-M. redeemed \$345 in food stamps at
26 | Continental Spices.

27 | 4. On or about December 31, 2003, AKRAM paid M. al-M. approximately
28 | \$100 in groceries and \$80 in cash in return for M. al-M.'s food stamps.

1 5. On or about February 18, 2004, A.S. redeemed \$250 in food stamps at
2 Continental Spices.

3 6. On or about February 18, 2004, AKRAM paid A.S. approximately \$49 in
4 cash and a bottle of liquor in return for A.S' food stamps.

5 7. On or about April 6, 2004, I. al-B. redeemed \$180 in food stamps at
6 Continental Spices.

7 8. On or about April 6, 2004, AKRAM paid I. al-B. \$150 in cash in return for
8 I. al-B's food stamps.

9 9. On or about June 9, 2004, A.A. redeemed \$120 in food stamps at
10 Continental Spices.

11 10. On or about June 9, 2004, AKRAM paid A.A. \$100 in cash in return for
12 A.A.'s food stamps.

13 11. On or about June 13, 2004, Z.O. redeemed \$120 in food stamps at
14 Continental Spices.

15 12. On or about June 13, 2004, AKRAM paid Z.O. \$100 in cash in return for
16 Z.O's food stamps.

17 All in violation of Title 18, United States Code, Section 371.

18
19 **COUNTS 2-12**
20 **(Food Stamp Fraud)**

21 On or about the dates listed in the following table, at Everett, in the Western
22 District of Washington, MIRZA M. AKRAM, presented, caused to be presented, and
23 aided and abetted in presenting food stamp coupons, as that term is defined in Title 7,
24 United States Code, Section 2012(d), for redemption, knowing the same to have been
25 used in violation of Title 7, United States Code, Chapter 51 and regulations issued
26 pursuant thereto, in that the coupons were not used to purchase eligible food, each
27 presentation constituting a separate count of this Superseding Indictment.
28

<u>Count</u>	<u>Date</u>	<u>Food Stamp Recipient</u>	<u>Amount of Food Stamp Coupons Presented</u>
2	January 5, 2003, 8:35:06 p.m.	Z.O.	\$50
3	January 5, 2003, 8:35:44 p.m.	Z.O.	\$50
4	January 5, 2003, 8:36:21 p.m.	Z.O.	\$50
5	January 5, 2003, 8:37:01 p.m.	Z.O.	\$50
6	January 5, 2003, 8:37:37 p.m.	Z.O.	\$50
7	April 9, 2003	W. al-K.	\$120
8	December 31, 2003	M. al-M.	\$345
9	February 18, 2004	A.S.	\$250
10	April 6, 2004	I. al-B.	\$180
11	June 9, 2004	A.A.	\$100
12	June 13, 2004	Z.O.	120

All in violation of Title 7, United States Code, Section 2024(c).

COUNTS 13-23
(Theft of Government Property)

On or about the dates listed in the following table, at Everett, in the Western District of Washington, MIRZA M. AKRAM, willfully and knowingly did steal, purloin, and convert to his own use and the use of others, currency, in the amounts listed, of the goods and property of the United States, each theft constituting a separate count of this Superseding Indictment.

<u>Count</u>	<u>Date</u>	<u>Holder of Food Stamp Card Debited</u>	<u>Amount Stolen</u>
13	January 5, 2003, 8:35:06 p.m	Z.O.	\$50
14	January 5, 2003, 8:35:44 p.m	Z.O.	\$50
15	January 5, 2003, 8:36:21 p.m	Z.O.	\$50
16	January 5, 2003, 8:37:01 p.m	Z.O.	\$50
17	January 5, 2003, 8:37:37 p.m	Z.O.	\$50
18	April 9, 2003	W. al-K.	\$120
19	December 31, 2003	M. al-M.	\$345
20	February 18, 2004	A.S.	\$250
21	April 6, 2004	I. al-B.	\$180
22	June 9, 2004	A.A.	\$100
23	June 13, 2004	Z.O.	120

All in violation of Title 7, United States Code, Section 641.

COUNT 24
(Conspiracy to Commit Arson)

Beginning in or about June 2004 and continuing to on or about July 9, 2004, at Everett, within the Western District of Washington, and elsewhere, MIRZA M. AKRAM and Naveed M. Khan, did knowingly and willfully combine, conspire and agree to commit an offense against the United States, to wit: the arson of Continental Spices convenience store, located at 315 East Casino Road, Everett, Washington, a building used in or affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i).

Manner and Means of the Conspiracy

It was a part of the conspiracy that AKRAM operated Continental Spices convenience store. In 2002 and 2003, Continental Spice's revenues declined drastically. As a result, in part, of Continental Spice's declining sales, AKRAM began to commit the food-stamp fraud alleged in Counts 1-16, in an effort to bolster Continental Spice's finances and to maintain the store's solvency. When even this

1 food-stamp fraud proved insufficient, AKRAM conspired with Khan to burn down
2 Continental Spices to obtain insurance proceeds.

3 *Overt Acts*

4 In furtherance of the conspiracy, and to accomplish the object of the conspiracy,
5 AKRAM and his coconspirators committed the following acts:

6 1. On or about July 8, 2004, Khan rented a Ford Focus at Enterprise Rental
7 Company in Bremerton, Washington.

8 2. On or about July 8, 2004, AKRAM, poured gasoline throughout
9 Continental Spices convenience store, located at 315 East Casino Road, Everett,
10 Washington.

11 3. On or about July 9, 2004, Khan lit the gasoline and set a fire inside the
12 Continental Spices convenience store, located at 315 East Casino Road, Everett,
13 Washington.

14 All in violation of Title 18, United States Code, Section 844(n).

15 **COUNT 25**
16 **(Arson)**

17 On or about July 9, 2004, at Everett, within the Western District of Washington,
18 MIRZA M. AKRAM, maliciously damaged and attempted to damage and destroy, and
19 aided and abetted in damaging and attempting to damage and destroy, by means of fire,
20 a building, Continental Spices convenience store, located at 315 East Casino Road,
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22
23
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27
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1 Everett, Washington, used in interstate and foreign commerce and in activity affecting
2 interstate and foreign commerce.


3 All in violation of Title 18, United States Code, Sections 2 and 844(i).
4

5
6 A TRUE BILL:

7 DATED: 22 SEPTEMBER 2005

8 Signature of Foreperson redacted
9 pursuant to the policy of the
10 Judicial Conference of the United States.

11 FOREPERSON

12 
13 JOHN MCKAY
14 United States Attorney

15 
16 CARL BLACKSTONE
17 Assistant United States Attorney

18 
19 BRUCE F. MIYAKE
20 Assistant United States Attorney

21 
22 ANDREW C. FRIEDMAN
23 Assistant United States Attorney
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27
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